



MEMORANDUM

TO: County Council

FROM: Robert H. Drummer, Legislative Attorney 
Michael Faden, Senior Legislative Attorney 

SUBJECT: **Introduction:** ZTA 08-03, Reorganization – Executive Branch

ZTA 08-03, Reorganization – Executive Branch, sponsored by the Council President at the request of the County Executive, is scheduled to be introduced on March 4, 2008. A public hearing is tentatively scheduled for April 8 at 1:30 p.m., along with Bill 4-08 and SRA 08-01, also introduced today.

ZTA 08-03 would rename the Department of Public Works and Transportation in the zoning code as the Department of Transportation, and modernize archaic language in the affected sections.

This packet contains

ZTA 08-03

Resolution to set hearing date

Circle

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Ordinance No.: _____
Zoning Text Amendment No. _____
Concerning: Executive Branch
Reorganization – Department of
Transportation
Draft No. & Date: 3 2-29-08
Introduced: March 4, 2008 _____
Public Hearing: _____
Adopted: _____
Effective: July 1, 2008

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) transfer certain functions to the Department of Transportation; and
- (2) update obsolete provisions, make stylistic and conforming changes, and generally amend the Zoning Ordinance regarding the abolition of the Department of Public Works and Transportation and creation of the Department of Transportation.

By amending the following sections of the Montgomery County Code, Chapter 59:

ARTICLE 59- C "Zoning Districts; Regulations."
DIVISION 59-C-13 "Transit Oriented, Mixed Use Zones"
Sections 59-C-13.237 "Special standards and guidelines for standard method and optional
method of development projects
ARTICLE 59-F "Signs"
DIVISION 59-F-7 "Prohibited Signs"
Section 59-F-7.1 "Unlawful to erect or to retain"
ARTICLE 59-G "Special Exceptions, Variances, and Nonconforming Uses"
DIVISION 59-G-2 "Special Exceptions-Standards and Requirements"
Section 59-G-2.38.1 "Offices, general"

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

Sec 1. Chapter 59 is amended as follows:

59-C-13.237. Special standards and guidelines for Standard Method and Optional Method of Development projects.

* * *

(c) Site Plan Streetscape Guidelines:

- Provide street lighting designed to avoid an adverse impact on surrounding uses, while also providing a sufficient level of illumination for access and security.
- Provide a canopy of closely spaced street trees along each street.
- Provide street furniture such as benches, trash receptacles and planters.
- Enhance crosswalk areas with accessible curb ramps unless prohibited by the Department of [Public Works and] Transportation.

* * *

59-F-7.1. Unlawful to erect or to retain.

* * *

(f) Sign in the Public Right-of-way. [Except if approved pursuant to Section 59-F-10.2(b)(1)(H) as part of a sign concept plan for an optional method development project within an urban renewal area, a] A sign must not be [erected or] placed in the public right-of-way, except:

- (1) [A] a sign erected by a government agency or utility company in the performance of its [official] public duties[.];
- (2) [An] an additional square footage sign [erected] for a subdivision or multi-family development, public facility, place of assembly, an industrial or

commercial center [pursuant to] under subsections 59-F-4.2(a)(3) and 59-F-4.2(b)(4)(B), or a commercial or industrial use, [provided] if:

(A) the sign is approved by the Sign Review Board, and

(B) the appropriate transportation jurisdiction issues a permit after [a review and approval of] approving the structural adequacy, physical location, sight distance, pedestrian access, and other safety characteristics of the sign.];

[Nothing in this Section affects the authority of the appropriate transportation jurisdiction to regulate signs within the right-of-way, nor does it restrict the authority of the Montgomery County Department of Public Works and Transportation to regulate the right-of-way as provided in this Code.]

(3) [A] a limited duration sign [erected in accordance with] which satisfies the requirements of this [ordinance.] Chapter; or

(4) a sign approved under Section 59-F-10.2(b)(1)(H) as part of a sign concept plan for an optional method development in an urban renewal area.

Nothing in this Section affects the authority of the appropriate transportation jurisdiction to regulate signs in its right-of-way or the authority of the Department of Transportation to otherwise regulate the right-of-way. [Any] The appropriate transportation jurisdiction or the Director of Permitting Services may remove any sign in the public right-of-way that [does not meet the exceptions described in] is not allowed under this subsection [may be removed by the appropriate transportation jurisdiction or by the Director].

* * *

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48 **59-G-2.38.1. Offices, general.**

49 A special exception may be granted for general offices [subject to] under the following
50 provisions:

* * *

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52 (b) In the RS zone, a general office use may be allowed [upon a finding] if the Board
53 finds, in addition to the general findings required in Division 59-G-1, that the
54 [following conditions are met: (1) The] location of [such] the proposed use is
55 adequately accessible [by means of existing and proposed roads and public
56 transportation facilities,] and the proposed use will not have an unacceptably adverse
57 effect on nearby roads. The location [shall] must be deemed adequately accessible
58 [via] by existing or proposed roads and public transportation facilities if [any of the
59 following conditions are present] either:

60 [(i)] (1) [Existing] existing publicly maintained, all-weather roads are adequate to
61 accommodate the traffic that would be generated by the proposed use[,] in
62 addition to existing traffic and traffic that will be generated by other
63 development on [existing] recorded lots[.]; or

64 [(ii)] In its determination of the adequacy of a road to accommodate traffic, the
65 Board must consider the recommendation of the State Highway
66 Administration or County Department of Public Works and Transportation,
67 the applicable levels of traffic service, peak hour use and average use, and
68 any other information presented.]

69 [(iii)] (2) [The approval of] the [general] proposed office use will not increase traffic
70 to the extent that other industrial, commercial, or residential uses that are

permitted by right are precluded from development [within the] in the same
traffic analysis area as the proposed office.

In assessing the adequacy of a road to accommodate traffic under paragraph (1), the
Board must consider the recommendation of the State Highway Administration or
County Department of Transportation, the applicable levels of traffic service, peak
hour use and average use, and any other relevant information. [It is the intention of
the District Council that the provisions of this] This subsection should be
[administered] generally applied in a manner which closely parallels the
[administration] application of [the adequate public facilities provisions of the
subdivision regulations (] Section 50-35(k) [of this Code)] and the County Growth
Policy. The recommendations of the Planning Board under this subsection must be
based on its [administrative practices under] standards applying Section 50-35(k)
and the Growth Policy, and the Board of Appeals must adopt these
recommendations [must be adopted by the Board of Appeals] unless the Board of
Appeals finds that a modification is justified by the weight of the evidence [supplied
by the parties to] in the case. In its recommendations, the Planning Board must
consider and report the recommendations of the State Highway Administration and
County Department of [Public Works and] Transportation, the applicable levels of
traffic service, peak hour use and average use, and any other information presented.

Sec 2. Effective date. This ordinance takes effect on July 1, 2008.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date

Resolution No:
Introduced: March 4, 2008
Adopted:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND

By: District Council

Subject: Notice of Public Hearing on Zoning Text Amendment 08-03

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within thirty days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 08-03, was introduced on March 4, 2008.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice will be given of the public hearing to be held on April 8, 2008, at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council